

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: SEPTEMBER 6, 2007

FROM: SAMUEL MARTINEZ, LAFCO Analyst

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #5: LAFCO SC#319 – Hesperia Water District
Agreement for Annexation and Provision of Utility Service No.
EOS-2007-04 for Water and Sewer Service (Cambridge Homes)

INITIATED BY:

Hesperia Water District, on behalf of the property owner/developer

RECOMMENDATION:

1. For environmental review, take the following actions as a responsible agency:
 - Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the environmental assessment and the Mitigated Negative Declaration prepared by the City of Hesperia for Tract 17117 to create a 42-lot residential subdivision on 12.5 acres, and found them to be adequate for Commission use;
 - Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project; that all mitigation measures are the responsibility of the City of Hesperia and/or others, not the Commission, and are self-mitigating through the implementation of the adopted Conditions of Approval for the project; and,
 - Note that this proposal is exempt from Department of Fish and Game fees because the filing fee was the responsibility of the City

of Hesperia, as CEQA lead agency, and direct the Clerk to file a Notice of Determination within five (5) days of this action.

2. Approve SC#319 authorizing the Hesperia Water District to extend water and sewer service outside its boundaries to Tract 17117, a 42-lot residential subdivision, on Assessor Parcel Numbers (APNs) 3046-101-06, 07, 08, 09 and 10.
3. Adopt LAFCO Resolution #2981 setting forth the Commission's findings, determinations and approval of the agreement for service outside the Hesperia Water District's boundaries.

BACKGROUND:

The Hesperia Water District (hereinafter the "Water District"), a subsidiary district of the City of Hesperia, has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend water and sewer service outside its boundaries. The agreement relates to five (5) parcels, APNs 3046-101-06, 07, 08, 09 and 10, which are contiguous to each other and are generally located south of Muscatel Street and west of Maple Avenue. These parcels combined make up Tract 17117, which is located within the Water District's central sphere of influence and is currently within the corporate boundaries of the City of Hesperia. Attachment #1 provides a location and vicinity map of the site along with a map outlining the location of the infrastructure to be extended.

The Water District, on behalf of the property owner/developer, has requested that the Commission review and approve the extension of service pursuant to the provisions of Government Code Section 56133. The property owner/developer, through the City of Hesperia's Planning Department, has processed the development of Tract 17117, a 42-lot residential subdivision, which requires the connection to the Water District's water and sewer facilities.

PLAN FOR SERVICE:

The application indicates that water service to the Tract will be provided through construction of an 8-inch water main in Tamarisk Avenue, across the frontage of the Tract in Tamarisk Avenue, to tie into the existing 12-inch line in Muscatel Street. The Water District also requires that an 8-inch water main be installed within all interior streets of the Tract, with water hydrants located in cul-de-sacs and at 600 ft. intervals.

In addition, the application indicates that sewer service will be provided through construction of an 8-inch sewer main across the frontage of the Tract in Tamarisk Avenue and also across the frontage in Muscatel Street to the

existing 12-inch sewer main in Maple Avenue. Also, the Water District requires that an 8-inch sewer main be installed within all interior streets of the Tract.

Pursuant to the Commission's application requirements for service contracts, information has been provided regarding all financial obligations for the extension of service outside the agency's boundaries. The Water District has submitted an estimated cost of \$447,216.00 in water and sewer fees for the extension of service to Tract 17117. Following is a table with a detailed calculation of the fees:

Water Connection Fee	\$4,736.00 x 42 units	\$198,912.00
Sewer Connection Fee (Victor Valley Wastewater Rec. Authority)	\$4,662.00 x 42 units	\$195,804.00
Sewer Connection Fee including Inspection Fee and Automation Surcharge Fee (Hesperia Water District)	\$1250.00 x 42 units	\$52,500.00
TOTAL		\$447,216.00

In addition to the costs outlined above, the property owner/developer of the Tract will be responsible for the entire cost of the construction and installation of: 1) the 8-inch water main in Tamarisk Avenue (670 linear ft.); 2) the 8-inch water main within all interior streets of the Tract (1830 linear ft.); 3) the 8-inch sewer main in Tamarisk Avenue (670 linear ft.) and in Muscatel Street (1,325 linear ft.); and 4) the 8-inch sewer main within all interior streets of the Tract (1,850 linear ft.), which is estimated to cost approximately \$380,700.00.

The Water District has indicated that there is no rate difference for providing service outside the agency's boundaries. Therefore, future users will be charged the normal in-District monthly rate for water and sewer service.

ENVIRONMENTAL DETERMINATION:

The Commission's Environmental Consultant, Tom Dodson and Associates, reviewed the City of Hesperia's environmental assessment that was prepared for Tract 17117, a 42-lot residential subdivision. Upon review of the document, Mr. Dodson has indicated that the City's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency.

CONCLUSION:

The development of Tract 17117 requires that it receive water and sewer service from the Hesperia Water District. In order for the project to proceed, the developer must show proof of his ability to connect to the Water District's water and sewer infrastructure - which is the Commission's authorization for the extension of service.

Staff has reviewed this request for the provision of water and sewer service by the Water District outside its boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcels that make up Tract 17117 are within the sphere of influence assigned the Water District and are anticipated to become a part of the Water District sometime in the future. Staff supports the Water District's request for authorization to provide water and sewer service to the proposed residential development since its facilities are adjacent and/or nearby the proposed development.

FINDINGS:

1. The project area relates to five (5) contiguous parcels, APNs 3046-101-06, 07, 08, 09 and 10, generally located south of Muscatel Street and west of Maple Avenue in the City of Hesperia. These parcels combined make up Tract 17117, a 42-lot residential development, which is within the sphere of influence assigned the Hesperia Water District and is anticipated to become a part of that District sometime in the future. The application requests authorization to receive water and sewer service from the Hesperia Water District.
2. The Agreement to Annex and Provision for Utility Services was signed by the property owner/developer on April 10, 2007 and was subsequently approved by the Hesperia City Council acting as the Water District's ex-officio Board of Directors on June 21, 2007. This agreement, Hesperia Water District EOS-2007-04, is for the provision of water and sewer service to Tract 17117. This contract will remain in force in perpetuity for Tract 17117 or until such time as the area is annexed to the Water District.
3. The fees charged this project by the Water District for water and sewer service are identified as totaling \$447,216.00 (for a breakdown of fees, see table on page 3). Payment of these fees is required prior to connection to the Water District's water and sewer facilities. In addition, the property owner/developer of the Tract will be responsible for the entire cost of the construction and installation of all water and sewer mains.
4. During the period from August 2004 to December 2004, the City of Hesperia prepared an environmental assessment for the development of Tract 17117, a 42-lot residential development on 12.5 acres. The City's assessment indicates that the proposal would not have a significant effect on the environment through its development under the Conditions of Approval for the proposed project.

LAFCO's Environmental Consultant, Tom Dodson and Associates, reviewed the City's Initial Study and the Mitigated Negative Declaration issued for the proposed project. Mr. Dodson's analysis has indicated that the City's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency. The Commission will not be adopting alternatives or mitigation measures for this development; all mitigation measures are the responsibility of the City and/or others, not the Commission, and are considered self-mitigating through the implementation of the Conditions of Approval. Attachment #4 provides a copy of Mr. Dodson's response and recommendation regarding the Commission's review and necessary actions to be taken.

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Attachments:

1. Vicinity Map and Map of the Contract Area
2. Hesperia Water District's Application and Contract
3. Conditions of Approval for Tract 17117 on 12.5 Acres
4. Tom Dodson and Associates Response Including the City's Environmental Documents for the Tract
5. Draft Resolution #2981